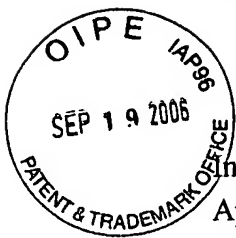


09-20-06

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Practitioner's Docket No. MET-041424C005

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: William D. Denison et al.

Application No.: 10/807,935

Art Unit: 2635

Filed: March 24, 2004

Examiner: Brian A. Zimmerman

For: ELECTRONIC ACCESS CONTROL DEVICE

**Mail Stop Appeal Briefs-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

REPLY BRIEF (37 C.F.R. § 1.193)

This Reply Brief is in response to the Examiner's Answer, mailed on July 19, 2006. No fees or extensions of time are required because this Reply Brief is being mailed within two months (i.e., September 19, 2006) of the mailing date of the Examiner's Answer. For the following reasons and those reasons stated in the Appellants' Appeal Brief, but not reiterated here for brevity, Appellants' request that all rejections be overturned and the application passed to issue.

Failure to Teach or Suggest All Limitations

The claims-at-issue are allowable because the prior art of record does not teach or suggest all limitations. Turning to the Examiner's Answer, the Examiner states that it appears the Appellants agree with the position that Lemelson teaches: "receiving an input code, comparing the input code to an access code and unlocking the lock if the input code matches the access code." *Examiner's Answer*, p. 4-5. Appellants respectfully assert that the Examiner's Answer fails to address the fact that the claims do not merely require "receiving an input code." Instead, the claims require processing an electromagnetic signal during an extended time period to obtain an input code. Lemelson does not teach

or suggest this limitation because Lemelson does not use any extended time periods. However, this shortcoming is not mentioned in the Examiner's Answer.

Similarly, the Examiner asserts that it appears the Appellants agree with the position that Stengel teaches the battery saving steps of the claims i.e., "deactivating the circuit for a first time, enabling the circuit for a second time, sensing an EM signal during the second time and enabling the circuit for an extended time if an EM signal is sensed during the second time to enable reception of additional data." *Examiner's Answer*, p. 5. However, once again, the Answer does not address the fact that the claims require processing the electromagnetic signal during an extended time period to obtain an input code for unlocking a device. Stengel fails to teach or suggest this limitation because Stengel does not pertain to obtaining input codes used for unlocking a lock. Therefore, the claims-at-issue are allowable because all limitations are not taught or suggested by the prior art of record.

Lack of Motivation to Combine

The claims-at-issue should be passed to issue because the prior art does not teach or suggest the desirability of the claimed combination. In the Examiner's Answer, it is asserted that a motivation is provided because Stengel teaches a method that saves power in a battery powered receiver, and Lemelson includes a receiver that is battery powered. *Examiner's Answer*, p. 6. However, Lemelson specifically teaches away from this motivation.

As stated in the MPEP, "[t]he totality of the prior art must be considered, and proceeding contrary to accepted wisdom in the art is evidence of nonobviousness." *MPEP* §2145(X)(D)(3) citing *In re Hedges*, 783 F.2d 1038, 228 USPQ 685 (Fed. Cir. 1986). Here, instead of saving power, Lemelson expressly teaches that another suitable power source (i.e., line current) should be sought instead of making attempts to conserve power. *Lemelson*, Col. 4, lns. 47-52. Moreover, nothing is disclosed in Stengel regarding the applicability of a battery saver to an unlocking device. Therefore, the claims-at-issue should be passed to issue because the prior art fails to provide a motivation to combine the references in the manner claimed.

Moreover, the prior art fails to teach or suggest the desirability of periodically searching for the presence of an unlocking device as claimed by the Appellants. In particular, Lemelson discloses a switch for activation upon the presence of a device containing coded information. *Lemelson*, Col. 5, lns. 49-66. However, the operation of this switch is substantially different from the claimed invention because the switch in Lemelson must be activated via a lever or actuator. *Lemelson*, Col. 5, lns. 53-56. In contrast, the claims-at-issue are generally directed to periodically enabling and disabling a circuit, irregardless of the actual presence of a device to activate a lock. Accordingly, Lemelson and Stengel fail to provide any motivation for designing an apparatus, as claimed by the Appellants, whereby battery power is conserved by means of periodically searching for the presence of an electromagnetic signal.

Claims Call for a Low Battery Indicator

In the Examiner's Answer, it is maintained that the claims do not call for a low battery indicator. This is incorrect. In particular, claims 33 and 43 require the steps of periodically enabling and disabling a low-battery detection circuit for measuring a battery voltage.

Claims Call for a Two Current Solenoid

In the Examiner's Answer, it is asserted that the claims do not call for a two current solenoid. This also is incorrect. In particular, claim 26 and 35 require the steps of providing a non-zero power output to unlock a device, providing a lower non-zero power output to the device, and transitioning from the non-zero power output to the lower non-zero power output.

References do not Inherently Teach or Suggest Reading and Writing of Codes

In the Examiner's Answer, it is maintained that the prior art references disclose codes that are "stored in memory and therefore inherently a step of writing the codes into memory existed somewhere during the manufacturing or set up of the system." However, Appellants assert that inherency requires that a teaching or suggestion necessarily flow from what is depicted in the references.

Here, the references do not indicate, or even suggest, the necessity of writing the access code into a memory in response to a write signal received through a communication port as set forth in claims 27 and 36. Also, the references do not indicate, or even suggest, the necessity of transmitting the access code through a communication port in response to a read signal as set forth in claims 30 and 39. Accordingly, these dependent claims are allowable over the prior art of record because the limitations are not taught or suggested.

Conclusion

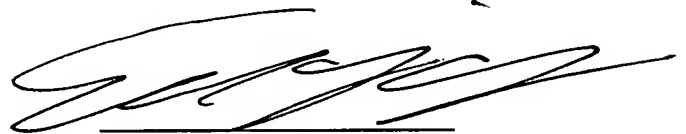
For the forgoing reasons and those reasons stated in the Appellants' Appeal Brief, but not reiterated here for brevity, Appellants request that all rejections be overturned and the application passed to issue.

Date: September 19, 2006

Reg. No.: 39,110

Tel. No.: (312) 226-1818

Customer No.: 22876



Signature of Practitioner

Edward L. Bishop

1327 W. Washington Blvd.
P.O. Address

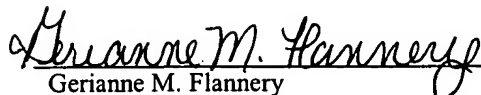
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Gerianne M. Flannery